

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBI THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

**STATE DEFENDANTS MOTION TO DISMISS/SUMMARY JUDGMENT PURSUANT
TO RULE 12(b)(6) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

COME NOW, the Defendants, Thomas Carroll, Bambi Thomas, James Gardels and Thomas Seacord, by and through undersigned counsel, and hereby respectfully request that this Honorable Court enter an Order, pursuant to Rules 12 (b)(6) and 56(c) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims against the Defendants. In support of their motion to dismiss/summary judgment, the Defendants have filed simultaneously herewith a memorandum of points and authorities demonstrating the requested relief.

WHEREFORE, the Defendants respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's claims with prejudice.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Lisa Barchi

Lisa Barchi #3927
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barch@state.de.us
Attorney for State Defendants

Date: January 26, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBI THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

ORDER

AND NOW, this _____ day of _____, 2006, the Motion to Dismiss/Summary Judgment filed by Defendants Thomas Carroll, Bambi Thomas, James Gardels and Thomas Seacord in the above-captioned matter having been duly considered, and any opposition thereto,

IT IS ORDERED that the Motion to Dismiss is granted and that judgment is hereby entered in favor of the movant and against the Plaintiff.

The Honorable Joseph J. Farnan, Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2006, I electronically filed *Motion to Dismiss* with the Clerk of Court using CM/ECF. I hereby certify that on January 26, 2006, I have mailed by United States Postal Service, the document to the following non-registered participant:

Monty Pepper
SBI # 156920
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ Lisa Barchi

Lisa Barchi # 3927
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
302-577-8400
lisa.barchi@state.de.us

Attorney for Defendants